

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

Wilmington Trust, National Association, as  
Successor Trustee to Citibank, N.A., as  
Trustee for Merrill Lynch Mortgage  
Investors Trust, Mortgage Loan Asset-  
Backed Certificates, Series 2007-HE2

CIVIL ACTION NO: 2:19-cv-00533-DBH

Plaintiff

vs.

James D. Gochie

CONSENTED MOTION FOR PARTIAL  
JUDGMENT

RE:

776 Maplewood Road, West Newfield, ME  
04095

Mortgage:  
November 15, 2006  
Book 15018, Page 451

Defendant

**NOW COMES** the Plaintiff, Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-HE2, by and through undersigned counsel, and with the consent of the Defendant, James D. Gochie, and hereby moves this Honorable Court for an Order granting it partial judgement, and amending the subject complaint. In support thereof the Plaintiff states the following:

- 1) This Complaint was filed on November 20, 2019. (ECF 1)
- 2) As part of the Plaintiff's counsel's due diligence further title work was recently reviewed.
- 3) This due diligence revealed that there exists a junior lienholder, Credit Acceptance Corporation, in the amount of \$6,000.00 recorded at Book 17302, Page 366.
- 4) The Plaintiff and Defendant have reached a settlement in this matter as evidenced by the executed Consent Judgment attached hereto as Exhibit A.

- 5) The settlement in this matter will result in judgment being entered for the Plaintiff and a waiver of deficiency.
- 6) Under the relevant portions of Maine General Laws Title 14, in order to obtain marketable title the final judgment must include the junior lienholder.
- 7) Both the Plaintiff and Defendant wish the Court to enter the Order filed herewith so that the redemption period contemplated by Title 14 § 6323 may begin to run while the Plaintiff amends the Complaint to reflect the junior lienholder (motion to amend filed today), serve said junior lienholder, and resolve the junior lienholder's position either through default or other motion.
- 8) Plaintiff contemplates serving the junior lienholder within ten (10) days of the Court granting the motion to amend, and expeditiously taking further action to enable the Court to enter final judgment.
- 9) Both Plaintiff and Defendant believe the granting of this motion will serve the best interests of each party and encourage judicial economy.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court approve an Order granting it partial judgement, and amending the subject complaint.

Dated: July 30, 2020

/s/ John A. Doonan, Esq.

John A. Doonan, Esq., Bar No. 3250  
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## **CERTIFICATE OF SERVICE**

I, John A. Doonan, Esq., hereby certify that on this 30<sup>th</sup> day of July, 2020 I served a copy of the above document by electronic notification using the CM/ECF system and/or First Class Mail to the following:

/s/ John A. Doonan, Esq.

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## **SERVICE LIST**

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